REMARKS

At the time of the Office Action dated November 1, 2007, claims 1, 3-7, 9-13, and 15-18 were pending and rejected in this application.

CLAIMS 1, 3-7, 9-13, AND 15-18 ARE REJECTED UNDER 35 U.S.C. § 102 FOR OBVIOUSNESS BASED UPON SAIDENBERG ET AL., U.S. PATENT PUBLICATION NO. 2004/0003347 (HEREINAFTER SAIDENBERG), IN VIEW OF MICHAEL KAY, "USING STYLESHEETS" (HEREINAFTER KAY)

On pages 3-5 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have been impelled to modify Saidenberg in view of Kay to arrive at the claimed invention. This rejection is respectfully traversed.

Obviousness is a legal conclusion based on underlying facts of four general types, all of which must be considered by the trier of fact: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) any objective indicia of nonobviousness.[1] On page 3 of the Second Office Action, the Examiner asserted that "Saidenberg ... does not explicitly disclose the software instructions are disposed in a Java applet." In this regard, Applicant respectfully submits that the Examiner has failed to properly characterize the differences between the claimed invention and the prior art. As previously argued on page 9 of the First Amendment, the Examiner has not factually established that the software instructions in Saidenberg, which are in a Java applet, also call a

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[1] See KSR Int'l v. Teleflex Inc., 550 U.S. ___ (2007); Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966); Continental Can Co. USA, Inc. v. Monsanto Co., 948 F.2d 1264, 1270, 20 USPQ2d 1746, 1750-51 (Fed. Cir. 1991); Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1566-68, 1 USPQ2d 1593, 1594 (Fed. Cir. 1987).

script to retrieve user interface properties. Instead, Saidenberg teaches that HTML pages use a
script to access a style sheet file.

On page 3 of the Second Office Action, the Examiner further asserted the following
regarding Kay:

> Kay discloses a similar system for displaying a user interface according to user interface properties
> carried in a style sheet that further discloses using instructions disposed in a Java applet that apply
> a given style sheet to an XML document (page 5). Therefore, it would have been obvious to one
> having ordinary skill in the art at the time the invention was made to dispose the software
> instruction that access a style sheet in Saidenberg. One would have been motivated to dispose the
> instructions in a Java applet in order to save resources on the server by performing the instructions
> on the client machine.

Applicant notes that the Examiner has again mischaracterized the teachings of the applied prior
art. Kay does not disclose a similar system to that described by Saidenberg or the claimed
invention. Instead, Kay is simply a reference as to how to use a particular type of stylesheet in
either a command line, a Java API, or as an Applet in a browser.

Moreover, Applicant notes that the Examiner's asserted benefit for the combination (i.e.,
"in order to save resources on the server by performing the instructions on the client machine") is
factually unsupported, and in fact, opposite to the general design goal of having operations be
performed in the server instead of the client machine since the server typically has considerably
more computing resources (both in terms of processing and access to data) than a client machine.
Therefore, Applicant's position is that one having ordinary skill in the art would not have been
impelled to modify Saidenberg in view of Kay in the manner suggested by the Examiner.
Applicant, therefore, respectfully solicits withdrawal of the imposed rejection of claims 1, 3-7, 9-
13, and 15-18 under 35 U.S.C. § 103 for obviousness based upon Saidenberg in view of Kay.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

> When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: February 1, 2008   Respectfully submitted,

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